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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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10 NATIONAL MEDICAL SERVICES,
11 INC.,
12 Plaintiff,
13 v.
14 INDEX LIFECARE, INC.,
15 Defendant.

Case No. 16-cv-04425 NC

**ORDER TO SHOW CAUSE
REGARDING DEFENDANT INDEX'S
CITIZENSHIP**

Re: Dkt. No. 15

16 Plaintiff National Medical Services, Inc. (NMS) filed a motion for a default
17 judgment against defendant iNDx Lifecare, Inc (iNDx). Dkt. No. 15. In its complaint,
18 NMS alleges that the parties are diverse in citizenship. Dkt. No. 1 at 2. In support, NMS
19 alleges that it is a Pennsylvania corporation with its principal place of business in
20 Pennsylvania, and that iNDx is a Delaware corporation with a business office in
21 California. Dkt. No. 1 at 2.

22 However, a corporation is a citizen of both its state of incorporation and the state
23 where it has its principal place of business. 28 U.S.C. § 1332(c)(1). NMS did not allege
24 iNDx's principal place of business at the time the action was brought. *See Grupo Dataflux*
25 *v. Atlas Global Group, L.P.*, 541 U.S. 567, 571 (2004) (subject matter jurisdiction must be
26 premised upon facts that exist at the time of filing). Without this information, the Court
27 cannot determine whether it has subject matter jurisdiction over this case.

28 Thus, the Court ORDERS NMS to file a declaration supporting NMS's assertion of
Case No. 16-cv-04425 NC

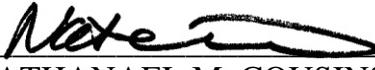
United States District Court
Northern District of California

1 the Court's subject matter jurisdiction over this case by June 6, 2017.

2 Failure to do so will result in the Court dismissing the case for lack of subject
3 matter jurisdiction.

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5 **IT IS SO ORDERED.**

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7 Dated: May 30, 2017


8 NATHANAEL M. COUSINS
9 United States Magistrate Judge